

REMARKS

Claims 1, 2, 4-13, 79-82, and 93-117 are pending. Claims 5-13, 79-82, 93-99, 101-103 and 105-108 have been withdrawn, and claims 3, 14-78, 83-92 and 109 have been canceled. Applicants have amended claims 1 and 100, and added new claims 110-117. Support for the amendments to claims 1 and 100 can be found throughout the specification, for example, at paragraphs [060], [061] and [071]. Support for new claims 110-117 can also be found throughout the specification, for example, at paragraph [060], and Figures 1 and 5-8. The amendments and new claims add no new matter to the specification.

35 U.S.C §103

The Office rejected claims 100 and 109 as allegedly obvious over Ito (US 5,063,025; “Ito”) in view of Golias (US 4,241,635; “Golias”). For the purpose of expediting prosecution of this application, applicants have canceled claim 109 without prejudice, thereby obviating the rejection with respect to this claim. Applicants respectfully traverse with respect to amended claim 100.

Amended claim 100 is directed to an extraction unit including a carrier that has an upper portion and a lower portion, and a device with a carrier-receiving portion with at least one flange configured to secure the carrier to the device in a compression-fit engagement. When the carrier mates with the carrier-receiving portion, the inner surface of the flange contacts the lower portion of the carrier.

The Office Action acknowledges that the microsyringe described in Ito lacks, among other things, a flange. Accordingly, there is nothing in Ito that would have led skilled practitioners to any flange, much less to a device comprising a flange having the characteristics recited in the present claims.

Golias fails to rectify the deficiencies of Ito. The Office appears to assert (at page 3) that the gripping surface on Golias’ device is equivalent to the flange recited in the present claims, and that Golias would have led skilled practitioners to add the gripping surface to the microsyringe described in Ito. Applicants do not agree that skilled practitioners would have

included a gripping surface in Ito's microsyringe. In any event, as stated in Golias (column 4, line 56), the gripping surface 70 pointed out by the Office is a finger grip portion. The flange recited in the present amended claims, on the other hand, has an inner surface that contacts the lower portion of a carrier and is configured to secure the carrier to the device in a compression-fit engagement. In other words, the recited flange is configured to engage the carrier in a specific manner. Golias does not teach, or even suggest, such a flange. Thus, even if a skilled practitioner would have combined Ito and Golias, which applicants assert they would not, they still would not have arrived at the claimed extraction unit.

In view of the foregoing, neither Ito nor Golias, individually or in combination, render the claims obvious. Thus, applicants request that the present rejection be reconsidered and withdrawn.

The Office rejected claims 100, 104 and 109 as allegedly obvious over Baer et al. (WO99/17094; "Baer") in view of Silverstolpe (US 2,649,245; "Silverstolpe"). Claim 109 has been canceled without prejudice, as noted above. Applicants traverse with respect to amended claims 100 and 104.

As indicated above, the instant claims recite a device that comprises a flange bearing specific characteristics. As the Office Action acknowledges (at page 4), the device disclosed in Baer lacks a flange, and applicants submit that Baer neither teaches, or even suggests, a flange of the type recited in the claims. Baer would therefore not have led skilled practitioners to an extraction device that includes such a flange.

Silverstolpe fails to remedy the deficiencies of Baer. The Office apparently cites (at pages 4-5) Silverstolpe for disclosing a centrifuge tube having a bottom opening and flange 20 to provide a gripping surface or a stop surface for placing the tube into a rack. However, the inner surface of Silverstolpe's flange 20 does not contact the lower portion of a carrier and secure, in a compression-fit manner, the carrier to an extraction device. As the purpose of Silverstolpe's flange 20 is not to hold a carrier, as noted by the Office, there is nothing in Silverstolpe to suggest modifying flange 20 in an attempt to arrive at the extraction unit recited in the claims.

Neither Baer nor Silverstolpe, individually or combined, describe or suggest every element recited in claim 100. Thus, even if skilled practitioners were to combine the two references, they would not have arrived at applicants' claimed extraction unit. As claim 104, and new claims 114-117 depend from claim 100, they are also not obvious for at least the same reasons. Applicants respectfully request that the present rejection be reconsidered and withdrawn.

The Office rejected claims 1, 2 and 4 as allegedly obvious over Baer in view of Silverstolpe, and further in view of Rahm and Waltz (US 4,310,488; "Rahm"), and Pates and Lacy (US 3,799,426; "Pates"). According to the Office Action:

The primary references fail to teach the outward shoulder between the ends and the flange extending to the first end ... Rahm (element 11) and Pates (element 14) each teach tubes similar to WO and Silverstolpe. The flange of Silverstolpe is provided between the top and bottom of the tube, constituting the instant shoulder, and the portion of the tube above the shoulder constitutes the at least one flange ... It would have been obvious to position the outwardly projecting shoulder of Silverstolpe on the tube of WO at a lower position in order to support the tube in a rack in a raised position for further processing as taught by Rahm and/or Pates.

Applicants respectfully note that, while the Office pointed to peripheral edge 11 and bead 14 of the containers described in Rahm and Pates, respectively, the Office did not specify what parts of the tube taught in either reference allegedly correspond to what elements recited in the claims. Clarification is respectfully requested. In any event, while applicants do not agree that the references render the present claims obvious, they have amended claim 1 for the sole purpose of expediting prosecution of this application. Claim 1 now recites an extraction device with a carrier-receiving portion having at least one flange configured to secure a carrier to the extraction device in a compression-fit engagement. When the carrier mates with the carrier-receiving portion, the inner surface of the at least one flange contacts the lower portion of the carrier.

The deficiencies of Baer and Silverstolpe with respect to an extraction device having the recited flange are as discussed above. Rahm does not remedy these deficiencies. Rahm discloses (see, e.g., at column 2, lines 45-61) container 5 with opening 8, cover 9 for closing the opening, and peripheral edge 11 for keeping the container from falling through aperture 4. The

Office Action (at page 5) appears to suggest that the top region of the container constitutes a "flange." However, Rahm (see, e.g., Figs. 2 and 3) does not refer to the top region of its container as a "flange" and applicants respectfully submit that no skilled practitioner would understand this area of Rahm's container to be a flange. Contrary to the Office's assertion, applicants submit that Rahm does not disclose any kind of flange. As such, Rahm would not have led skilled practitioners to an extraction device with the recited flange.

Pates fails to remedy the deficiencies of Baer, Silverstolpe, and Rahm. Like Rahm describes (see, e.g., at column 1, lines 32-51) container 10 with a main tubular body portion 12, bead 14 and cap 26 adapted to be received over the upper end of the container. The Office Action points to the upper portion of the container as a "flange." Applicants again submit that skilled practitioners would not consider the top region of the body portion of a tube to be a "flange." Pates, therefore, does not appear to suggest a flange, much less a flange having the characteristics recited in the claims. Accordingly, Pates would not have led skilled practitioner to the claimed extraction device.

In view of the above, Baer, Silverstolpe, Rahm and Pates, individually and combined, fail to teach or suggest every element of claim 1. Even if all were combined, a practitioner still would not have obtained the claimed extraction unit. Accordingly, no combination of Baer, Silverstolpe, Rahm and Pates renders claim 1 obvious. As claims 2 and 4, and new claims 110-113 depend from claim 1, they are also not obvious for at least the same reasons. Reconsideration and withdrawal of the present rejection are respectfully requested.

CONCLUSION

Applicants respectfully request that all rejections be reconsidered and withdrawn, and that all claims be allowed. Applicants do not concede any positions of the Examiner that are not expressed above, nor do applicants concede that there are not other good reasons for patentability of the presented claims or other claims. The extension fee in the amount of \$555 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account

authorization. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 14255-0034001.

Respectfully submitted,

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